

REMARKS

In the Communication dated 27 December 2007, restriction to one of the independent and distinct species of compounds represented by formula 1.

Group 1;	Claims 1-6;	Drawn to compounds of formula I wherein L_F is a bond, Z_F is $-\text{CONR}4\text{R}5$, L_1 is O and L_2 is $-\text{C}(\text{R}40)_2$.
Group 2;	Claims 1-6;	Drawn to compound of formula I other than compounds of Group 1.
Group 3;	Claims 7-16;	Drawn to pharmaceutical methods of use of compounds of Group 1.
Group 4;	Claims 7-16;	Drawn to pharmaceutical methods of use of compounds of Group 2.

In response, the Applicants elect the prosecute claims 1-6 of Group 1 compounds with traverse.

The applicants respectfully traverse the restriction requirement.

First, the reliance on US 4,282,246 (herein after "Holland") for teaching the common technical features of the claims invention is misplaced. Holland discloses but three benzylfuran compounds: Example 2 "5-Benzylfuran-2-carboxylic acid" and Example 35, "2- and 3-Benzylfuran-3-carboxylic acid". All three of these compounds include a carboxylic acid moiety on the furanyl ring. The carboxylic acid moiety is noticeably missing in the claimed invention. Neither the furanyl ring nor the benzyl ring contains a carboxylic acid moiety. In fact, even when all the variables for R, R', R_P, R_{P'}, R_F, L₁, L₂, L₃, Z_P and Z_F are considered no carboxylic acid moieties are included with the presently claimed compounds. Further, claim 1 has been amended to delete reference to R_{P'} and R_F, and figure I has been revised accordingly.

Holland also does not teach that the carboxylic acid group can be missing. Each and every example in Holland includes a carboxylic acid moiety on the furanyl ring. Holland does not teach or suggest that the carboxylic acid moiety can be eliminated, nor has there been any other suggestion offered in the Office Communication why one would be motivated to modify the structures in Holland to prepare the presently claimed compounds.

Secondly, selection of the "bare" benzylfuran structure as embodying all the special technical also ignores the R and R' substituents. Each of R and R' is each a carbon chain or ring (where the chain can be optionally substituted with halogens). The carbon linking the

two rings is not bonded to any hydrogens.

Consequently, the "bare" benzylfuran structure does not definitively define all the common technical features of the present invention as advanced in the Official Communication. Rather as discussed above a benzylfuran structure linked by a carbon having no hydrogens and/or lacking ring substituents except as recited in claim 1. These Markush alternatives all have a common activity, which is an affinity for the Vitamin D receptor and, consequently, useful for the treatment of osteoporosis.

In light of the above comments, withdrawal of the restriction requirement and leading to prompt examination of all pending (and withdrawn) claims is requested.

The Examiner is invited to contact the undersigned attorney by telephone if there are any questions about this Submission or other issues that may be resolved in that fashion.

Respectfully submitted,

/James B. Myers/
James B. Myers
Attorney for Applicants
Registration No. 42,021
Phone: 317-276-0755

Eli Lilly and Company
Patent Division
P.O. Box 6288
Indianapolis, Indiana 46206-6288
28 January 2008